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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,587	10/24/2003	Si Lok	99-34D1	2256

7590

09/12/2005

Shelby J. Walker
Patent Department
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EXAMINER

BURKHART, MICHAEL D

ART UNIT

PAPER NUMBER

1633

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Notice of Allowability

Application No.

10/693,587

Examiner

Michael D. Burkhart

Applicant(s)

LOK, SI

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 2,4,6-24 and 27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9/7/2005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shelby Walker on 9/7/2005.

The application has been amended as follows:

In the specification:

On page 2, please amend the first paragraph entitled "CROSS-REFERENCE TO RELATED APPLICATIONS" as follows,

This application is a divisional of U.S. Patent Application No. 09/704,090, filed November 1, 2000, now U.S. Patent 6,686,168, issued February 3, 2004, which claims the benefit of U.S. Provisional Application No. 60/163,501, filed November 4, 1999, both of which are incorporated by reference.

In the claims:

2. (Currently Amended) An isolated nucleic acid molecule comprising (a) a eukaryotic promoter, (b) a nucleotide sequence encoding a type II signal anchor domain segment, (c) a cloning site a nucleotide sequence that encodes a spacer peptide, and (d) a cloning site a nucleotide sequence that encodes a spacer peptide, wherein the spacer peptide encoding nucleotide sequence resides

Art Unit: 1633

~~between the nucleotide sequence encoding the type II signal anchor domain segment and the cloning site, and~~ wherein the spacer peptide comprises SEQ ID NO: 1 ~~at least ten amino acids,~~
and wherein the isolated nucleic acid molecule comprises elements (a) to (d) in a 5' to 3' order.

11. (Currently Amended) An isolated nucleic acid molecule, comprising (a) a eukaryotic promoter, (b) a nucleotide sequence encoding a type II signal anchor domain segment, ~~and (c) a gene or gene fragment~~ a nucleotide sequence that encodes a spacer peptide, and (d) a gene or gene fragment, wherein the isolated nucleic acid molecule comprises elements (a) to ~~(c)~~ (d) in a 5' to 3' order, wherein the gene or gene fragment resides in-frame with the nucleotide sequence that encodes the type II signal anchor domain, wherein the spacer peptide comprises SEQ ID NO: 1, and wherein the nucleotide sequence that encodes a type II signal anchor domain segment is heterologous with respect to the gene or gene fragment.

12. (Currently Amended) An isolated nucleic acid molecule, consisting of (a) a eukaryotic promoter, (b) a nucleotide sequence encoding a type II signal anchor domain segment, ~~and (c) a gene or gene fragment~~ a nucleotide sequence that encodes a spacer peptide, and (d) a gene or gene fragment, wherein the isolated nucleic acid molecule comprises elements (a) to ~~(c)~~ (d) in a 5' to 3' order, wherein the gene or gene fragment resides in-frame with the nucleotide sequence that encodes the type II signal anchor domain, wherein the spacer peptide comprises SEQ ID NO: 1, and wherein the nucleotide sequence that encodes a type II signal anchor domain segment is heterologous with respect to the gene or gene fragment.

Art Unit: 1633

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Burkhart whose telephone number is (571) 272-2915. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen can be reached on (571) 272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael D. Burkhart
Examiner
Art Unit 1633



DAVE TRONG NGUYEN
SUPERVISORY PATENT EXAMINER